Before the Federal Communications Commission Washington, D.C. 20554

	ORDER	
Defendants.)	
Supreme Radio Communications, me.)	
Supreme Radio Communications, Inc.)	
V.) File No. EB-02-MI	D-039
Complainants,)	
)	
Nextel Partners, Inc.,)	
)	

Adopted: November 10, 2003 Released: November 10, 2003

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

- 1. On December16, 2002, Nextel Partners, Inc. ("Nextel") filed with this Commission a formal complaint against Supreme Radio Communications, Inc. ("Supreme") pursuant to section 208 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 208. The complaint alleged, *inter alia*, that Supreme had refused to negotiate in good faith with Nextel for the relocation of Supreme's "upper 200" channel 800 MHz facilities, in violation of section 90.699 of the Commission's rules, 47 C.F.R. § 90.699.
- 2. On November 5, 2003, Nextel filed a Motion to Dismiss Complaint Without Prejudice ("Motion to Dismiss")¹ stating that the parties had entered into a settlement pursuant to an Asset Exchange Agreement under which Supreme's "upper 200" 800 MHz licenses will be relocated in accordance with 47 CFR § 90.699. It further stated that the Motion to Dismiss was filed pursuant to the Asset Exchange Agreement.
- 3. We are satisfied that dismissing the complaint will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and this Commission.

Motion to Dismiss Complaint Without Prejudice, *Nextel Partners, Inc. v. Supreme Radio Communications, Inc.*, File No. EB-02-MD-039 (filed Nov. 5, 2003).

- 4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Motion To Dismiss the above-captioned complaint IS GRANTED.
- 5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that Nextel's formal complaint against Supreme IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr Chief, Market Disputes Resolution Division Enforcement Bureau